



City of  
**Rockville**  
Get Into It

## **Planning Commission Staff Report Final Record Plat Application PLT2012-00512**

**MEETING DATE:** November 9, 2011

**REPORT DATE:** November 2, 2011

**FROM:** Margaret M. Hall, Planner II  
Planning Division  
240.314.8226  
mhall@rockvillemd.gov

**APPLICATION DESCRIPTION:** Final Record Plat,  
for the consolidation of  
three part lots into a  
single record lot of 18,855  
square feet.

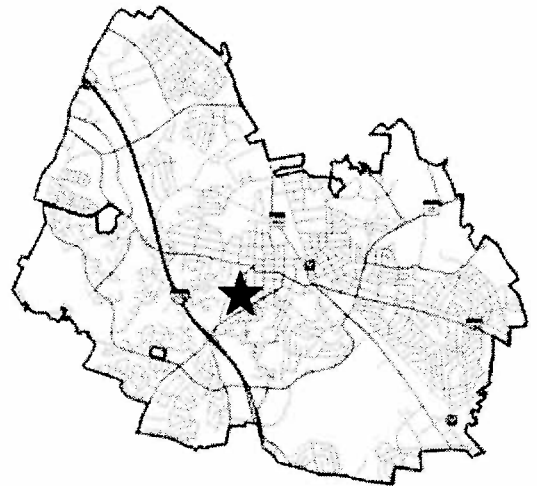
**PROPERTY LOCATION:** Monument Street,  
formerly a portion of the  
property at 408 Great Falls Road

**APPLICANT:** Mohan Wadhwani  
16404 Equestrian Lane  
Derwood Maryland 20855

**FILING DATE:** September 15, 2011

**RECOMMENDATION:** Approval, subject to the conditions noted on page 5 of the Staff Report.

**REQUEST:** The applicant proposes to consolidate the property into a single record lot of 18,885 square feet. It is currently made up of a buildable part lot with two adjacent, unbuildable part lots.



**PROJECT/SITE INFORMATION:**

**Location:** Monument Street  
**Land Use Designation:** Detached Residential  
(Medium Density, 2.5 to 4 Units Per Acre)  
**Zoning District:** R-90, Single Unit Detached Dwelling, Restricted Residential  
**Plat Area:** 19,435 Square Feet,  
Lot - 18,855 Square Feet  
Street Dedication – 580 Square Feet  
**Current Use :** Vacant land  
**Proposed Use:** Single-Unit Detached Residential

Surrounding Land Use and Zoning			
Location	Zoning	Planned Land Use	Existing Use
North	R-90, Single Unit Detached Dwelling Restricted Residential	Detached Residential (Medium Density, 2.5 to 4 Units Per Acre)	Single-Unit Residential
South	R-90, Single Unit Detached Dwelling Restricted Residential	Detached Residential (Medium Density, 2.5 to 4 Units Per Acre)	Single-Unit Residential
East	R-90, Single Unit Detached Dwelling Restricted Residential	Detached Residential (Medium Density, 2.5 to 4 Units Per Acre)	Single-Unit Residential
West	R-90, Single Unit Detached Dwelling Restricted Residential	Detached Residential (Medium Density, 2.5 to 4 Units Per Acre)	Single-Unit Residential

**PREVIOUS RELATED ACTIONS:** None.

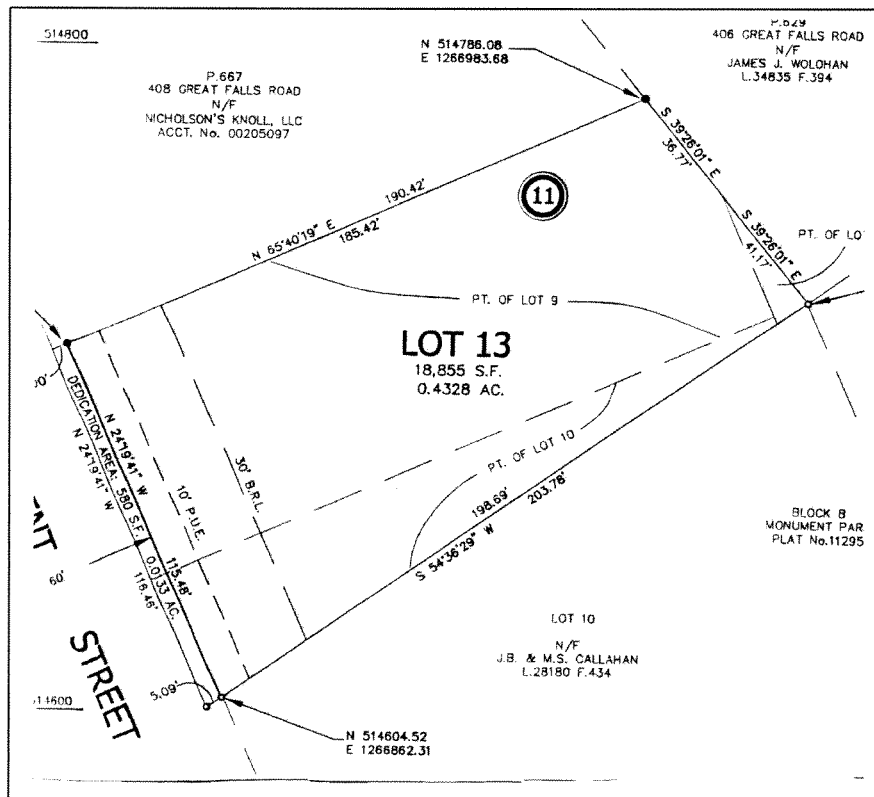
**ANALYSIS:**

**Project Proposal**

The applicant proposes to resubdivide portions of three lots (Part of Lots 2, 9 and 10, of Block 11) originally shown on the 1890 Rockville Heights subdivision plat, recorded as Plat 56 in Plat Book A. The new lot would be Lot 13, Block 11 of Rockville Heights, proposed to contain 18,885 square feet and provide 580 square feet of dedication to public use.

## Property Description and Background

The property is located within the Rockville Heights subdivision, where it is zoned R-90, Single Unit Detached Dwelling Restricted Residential. The property is made up of portions or parts of three record lots, known as Part Lots. One, Part Lot 9, will be included with most of its size and all of its width – having lost approximately 350 square feet of its 15,000 square feet by deed transfer to the neighboring property. The other two part lots are triangular portions of Lots 2 and 10, which are not buildable on their own due to insufficient lot width and lot area.



It appears that the properties that make up 406 and 408 Great Falls Road were owned by a single owner at one time. In 1941, a deeded property line, roughly parallel to Monument Street, was drawn that divided the property into two deeded lots. This line divided Lots 6, 7, 8 and 9 between the two properties. The property known as 408 Great Falls Road included the larger and still buildable portions of these lots along with unbuildable portions of Lots 1, 2 and 10. The subject property contains buildable Part Lot 9 and the unbuildable parts of Lots 2 and 10. This property was sold to the applicant, who wishes to combine them into a single record lot for development as a single-family property.

## **Master Plan Recommendation**

One of the Critical Issues identified in the 2002 Comprehensive Master Plan is infill development in residential neighborhoods. Although there was no specific mention of 406 and 408 Great Falls Road within either the Comprehensive Master Plan or the West End Neighborhood Plan, resubdivision compatibility was discussed with attention focused on the likelihood of the creation of pipestem lots and the character of potential residential infill as concerns. Since the 2002 Plan was adopted, the Zoning Ordinance has been changed to prohibit the creation of new pipestem lots. Also discussed were concerns about the "construction of a very large house in an area of small ramblers" and how they would be out of scale with existing neighborhoods. The Zoning Ordinance adopted in March of 2009, studied the situation and imposed some changes to the Development Standards. These standards included reduced heights for the main dwelling and accessory buildings in the R-60, R-75 and R-90 Zones. Limitations were also placed on impervious surface in the front yard in an effort to control impervious surfaces but also to aid in maintaining the character of existing neighborhoods.

## **Zoning Compliance**

Although this application proposes resubdivision, it does not propose an additional lot, only to combine the property into a single record lot. In order to create a new lot in the R-90 Zone, properties must be a minimum of 25 feet wide at the front lot line and contain at least 9,000 square feet of land. This property is approximately 115 feet wide in the front property line and contains 18,855 square feet of land. Additionally, lots must be a minimum of 80 feet wide at the front lot line. Since this lot is approximately 115 wide at the front lot line and about 78 feet wide at the rear of the property, there is no issue with meeting that requirement.

Staff notes that it is not a requirement to resubdivide this property in order to develop it with a single-family home because a home can be built on Part Lot 9. A buildable lot is defined as any record lot, except for some very small lots. Even under the current requirements in the Zoning Ordinance, it is permissible to transfer land between adjoining property owners without the permission of the Planning Commission, when no additional lots are created and the lot is not reduced below the minimum sizes required in the Zoning Ordinance. As a result, it is possible to build on existing Part Lot 9 without resubdivision.

Combining the property into a single record lot simplifies the legal description of the property and allows, in this case, for the full width of the lot to be used in construction on the lot. If the property were left as is, the setbacks for any house proposed for the lot (Part Lot 9) would be from the existing lot line, leaving the approximately 40 feet of width of the triangular shaped part of Lot 10 unusable for anything other than as side yard or for the placement of a driveway, because no structure could be placed on that part of the property.

The proposed plat is in compliance with all provisions of Article 21, Plats and Subdivision Regulations of the Zoning Ordinance. The Adequate Public Facilities Standards (APFS) do not

apply to this application because Final Record Plats are not subject to the APFS and no new lots are being created.

### **Forest /Tree Preservation**

A one lot subdivision does not require that forestry requirements be met at this time. Compliance with the Forest and Tree Preservation Ordinance will need to be met at the time the property is developed.

### **Recommended Conditions**

1. That the Plat be revised to make modifications/additions, as identified by Planning Commission or staff.
2. That the Final Record Plat be submitted in an appropriate electronic format as specified in Section 25,21.10.d of the City of Rockville Zoning Ordinance.

### **Required Findings**

There are no findings that must be made in approving a Final Record Plat. This application qualifies as a minor subdivision, which is defined as "a division of a lot, tract, or parcel of land into no more than three (3) lots fronting on an existing road, not involving any new road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with a provision or portion of the Plan or the Zoning Ordinance." When three or more lots are proposed, a subdivision is subject to Preliminary Subdivision Plan as the first stage in approving a Final Record Plat. Since this subdivision involves the creation of a single record lot, its approval is not subject to meeting any findings.

### **NOTIFICATION:**

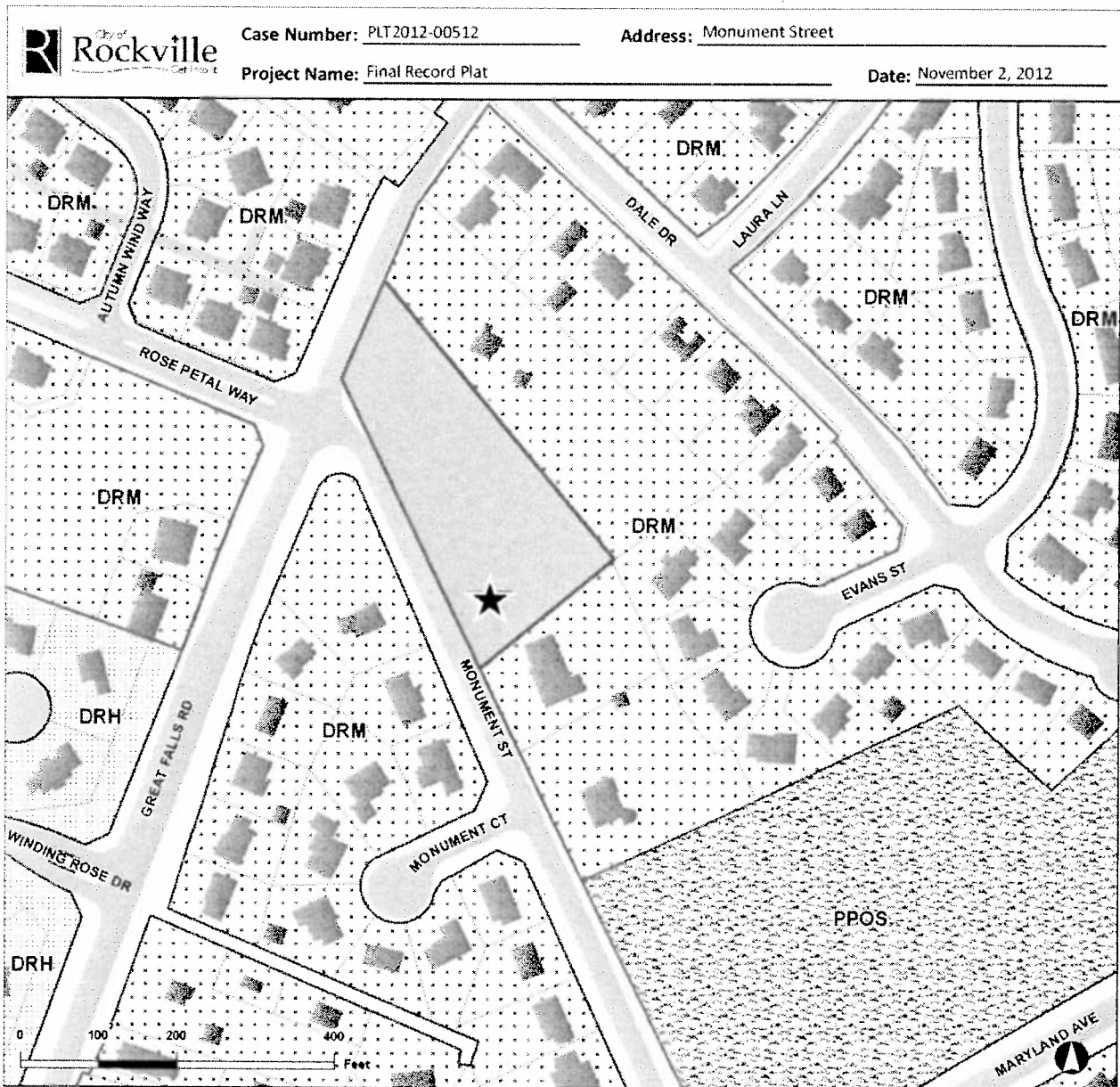
Public Notification of the Final Record Plat was made pursuant to the requirements of Section 25.21.11.d ("Notice"). Mailed notification was provided to 58 residents and property owners within the required 750-foot radius. Additionally, mailed notification was made to the West End Citizens Association, the Rose Hill Homeowners Association and the Rose Hill Falls Community Association. No posting of signs on the property is required. At the time of

report preparation (October 16, 2011) staff has received one written comment and several calls from the neighbor abutting the southern property line of the proposed subdivision, mostly with concerns about the trees that abut the common property line.

**ATTACHMENTS:**

Attachment 1-1	Aerial Map
Attachment 2-1	Land Use Map
Attachment 3-1	Zoning Map
Attachment 4-1	Proposed Plat
Attachment 5-1	Letter of Support
Attachment 5-2	Attachment to Letter of Support





**Legend**

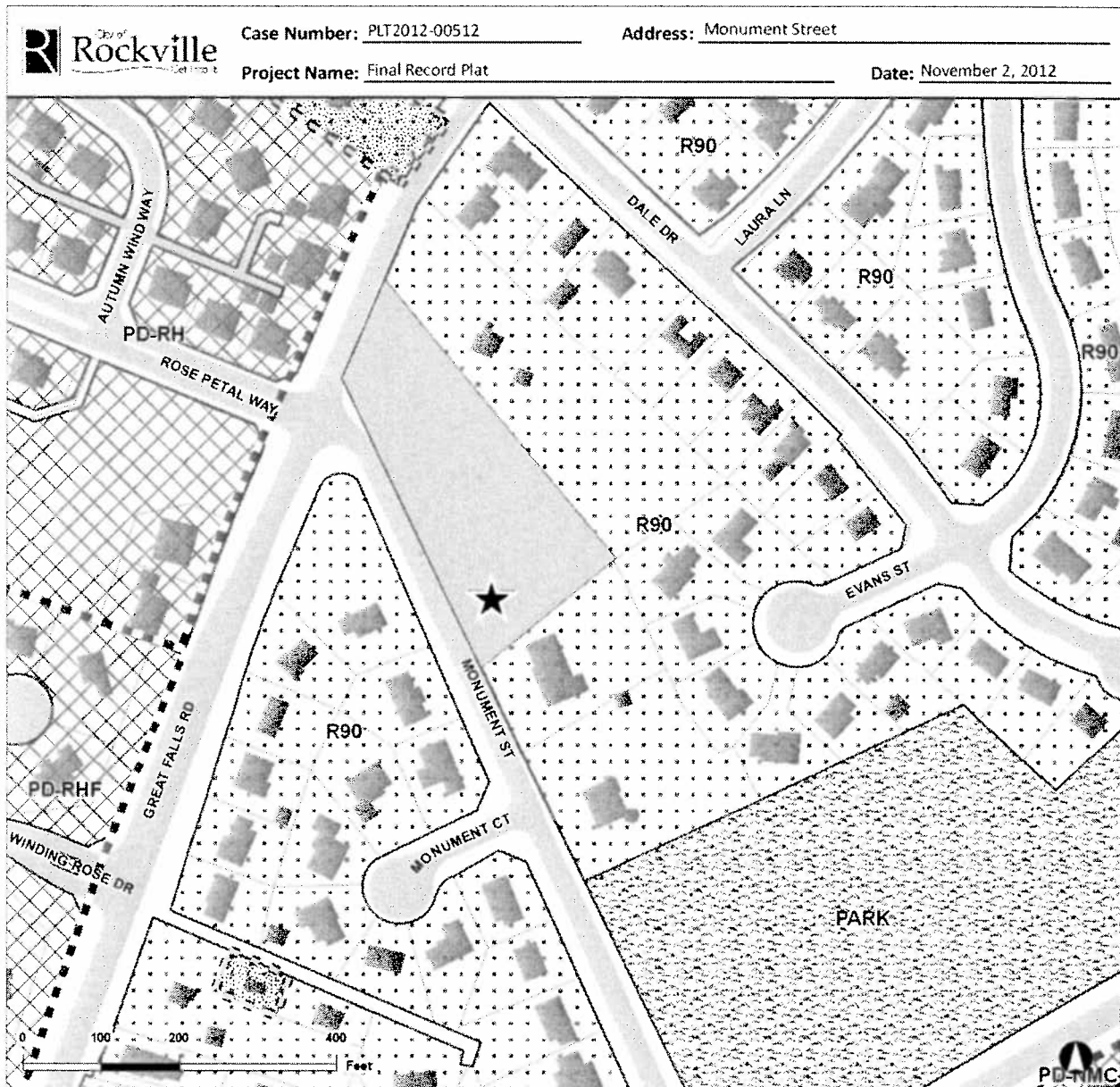
- DRL - Detached Residential (Low Density - Less than 2.5 units per acre)
- DRM - Detached Residential (Medium Density - 2.5 to 4 units per acre)
- DRH - Detached Residential (High Density - Over 4 units per acre)
- AR - Attached Residential
- GA - Garden Apartments
- HRA - High Rise Apartments
- NC - Neighborhood Commercial
- GC - General Commercial
- EC - Entertainment Corridor
- SI - Service Industrial
- RIOP - Restricted Industrial/Office Park
- PRSTD - Preferred Residential - Single-family Detached

- FRSFA - Preferred Residential - Single-family Attached
- PRSFAD - Preferred Residential - Single-family Attached/Detached
- PRMF - Preferred Residential - Multi-Family
- PC - Preferred Commercial
- POLW - Preferred Office/Live Work Space
- PO - Preferred Office
- MUPO - Mixed Use Preferred Office
- MUPR - Mixed Use Preferred Residential
- MR - Mixed Residential
- MUC - Mixed Use Commercial
- MUD - Mixed Use Development
- MUI - Mixed Use Industrial

- PEF - Public Buildings and Facilities
- PI - Public and Institutional
- I - Institutional
- PRCA - Private Recreational and Conservation Area
- POS - Private Open Space
- PPOS - Public Park and Open Space
- CDP - Comprehensive Planned Development
- RPR - Rockville Pike Residential
- RPCMUD - Rockville Pike Corridor Mixed-Use Development
- RRW - Rail Right of Way

Project Location





### Legend

- |  |                                     |  |
|--|-------------------------------------|--|
| R-400 - Residential Estate                                   | RMD-10 - Residential Medium Density | MXC - Mixed-Use Commercial               |
| R-200 - Suburban Residential                                 | RMD-15 - Residential Medium Density | MXCD - Mixed-Use Corridor District       |
| R-150 - Low Density Residential                              | RMD-25 - Residential Medium Density | MXE - Mixed-Use Employment               |
| R-90 - Single Unit Detached Dwelling, Restricted Residential | PD - Planned Development            | MXNC - Mixed-Use Neighborhood Commercial |
| R-75 - Single Unit Detached Dwelling, Residential            | IL - Light Industrial               | MXT - Mixed-Use Transition               |
| R-60 - Single Unit Detached Dwelling, Residential            | PARK - Park Zone                    | MXTD - Mixed-Use Transit District        |
| R-40 - Single Unit Semi-detached Dwelling, Residential       | MXB - Mixed-Use Business            | Special Exceptions                       |
| Clusters   | Historic Preservation Parcels       | Twinbrook Metro Performance District     |
| Planned Developments   | Lincoln Park Conservation Overlay   | Town Center Performance District         |



112 Monument Street  
Rockville, MD, 20850  
October 4, 2011

Ms. Margaret Hall  
City of Rockville  
Dept. of Planning and Development Services  
111 Maryland Ave.,  
Rockville, MD, 20850

Re: Case No. PLT 2012-00512

Dear Ms. Hall;

I am writing in response to a letter of September 13, 2011, from Russell E. Reese on behalf of Mr. and Mrs. Mohan Wadhwani concerning consolidation of existing Lots into one consolidated Lot. Please note that Mrs. Callahan and I did not receive this letter until September 27, 2011; it was postmarked September 26, 2011. Therefore, this letter is timely.

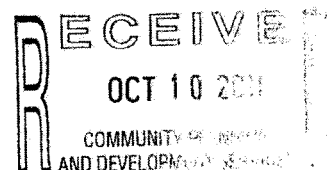
Mrs. Callahan & I have no negative comments regarding the prospective consolidation. Although we have not met Mr. and Mrs. Wadhwani, we wish them well in their endeavor next door.

As I was unaware of the sale of the parcel next door prior to receipt of the September 13 letter, I am enclosing a copy of a letter dated April 26, 2011 sent to the previous owner regarding the health of the trees on our adjoining property line and the threat posed to the Callahan property. While I assume the previous owner would have disclosed this matter as part of the sale process, I raise it here with certainty that the new owners and the City Forester, et al, can work with Mrs. Callahan and I to resolve this matter as plans for the Lot move forward.

Sincerely,



Michael S. Callahan



112 Monument Street  
Rockville, MD, 20850  
April 26, 2011

Nicholson's Knoll LLC  
10 Dale Drive  
Rockville, MD, 20850

Dear Fred,

Some months ago we viewed and discussed the state of the trees on your property that line our respective properties. As I have not heard from you regarding your then-spoken intent to determine what flexibility is available to you regarding those trees, I regrettably find myself having to ask again what action you intend to take regarding the damaged trees along our properties that have during the past winter and do now pose threats to my fences and home.

I am sure that life can be hectic with family and business concerns but I do trust you can take some time to devote to this matter.

Also, I note that the recent onset of spring and the rains of late have led to an overgrown condition on the property. The Nicholson's used our lawn service with success and I can provide its number if that will be helpful.

Sincerely,

Michael S. Callahan